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BUREAU OF LAND MANAGEMENT

WINNEMUCCA FIELD OFFICE

Proposed Plan Amendment and Environmental Assessment of the Paradise-Denio and Sonoma-Gerlach Management Framework Plan

October 1998

MISSION STATEMENT

The Bureau of Land Management is responsible for the stewardship of our public lands. It is committed to manage, project, and improve these lands in a to manner to serve the needs of the American people for all times. Management in based upon the principles of multiple use and sustained yield of our nation's resources within a framework of environmental responsibility and scientific technology. These resources include recreation, rangelands, timber, minerals, watershed, fish and wilderness, air and scenic, scientific and cultural.

BLM/WN/LP-99/001+1610

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Nevada State Office
1340 Financial Boulevard, P.O. Box 12000
Reno, Nevada 89520-0006

In Reply Refer To:
1610 (NV-020)
EA-NV-020-99-02

Dear Reader:

Enclosed for your review is the Winnemucca Field Office Proposed Lands Amendment and Environmental Assessment of the Paradise-Denio and Sonoma-Gerlach Management Framework Plans. This amendment outlines the various decisions for the retention, acquisition, and disposal of public lands managed by the Winnemucca Field Office of the Bureau of Land Management. It has incorporated all relevant comments received during public review of the draft plan. This document contains a Finding of No Significant Impact. It is also available for a 30-day protest period.

This Proposed Plan Amendment may be protested by any person who participated in the planning process and who has an interest which is or may be adversely affected by the approval of the plan amendment. A protest may raise only those issues which were submitted for the record during the planning process (see 43 Code of Federal Regulations 1610.5-2). Protests must be filed with the Director, Bureau of Land Management, Attn. Ms. Brenda Williams, Protests Coordinator, WO-210/LS-1075, Department of Interior, Washington, D.C. 20240.

All protests must be written and must be postmarked on or before December 1, 1998 and shall contain the following information:

- The name, mailing address, telephone number, and interest of the person filing the protest.
- A statement of the issue or issues being protested.
- A statement of the part or parts of the document being protested.
- A copy of all documents addressing the issue or issues previously submitted during the planning process by the protesting party, or an indication of the date the issues or issues were discussed for the record.
- A concise statement explaining precisely why the Bureau of Land Management, Nevada State Director's decision is wrong.

Upon resolution of any protests, an Approved Plan and Decision Record will be issued. The approved Plan/Decision Record will be mailed to all individuals who participated in this planning process and all other interested publics upon their request.

Sincerely,

Robert V. Abbey
State Director, Nevada

#48665672 88065604 HD 243 .N3 B53 1998

WINNEMUCCA FIELD OFFICE

PROPOSED

Lands Amendment and Environmental Assessment of The Paradise-Denio and Sonoma-Gerlach Management Framework Plans

Prepared by
U.S. Department of the Interior
Bureau of Land Management
Winnemucca Field Office

Robert V. Abbey
State Director, Nevada

Date: 10-5-98

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SUMMARY

This Proposed Amendment details the changes to the Paradise-Denio and Sonoma-Gerlach Management Framework Plans (MFPs), dated July 9, 1982, that are under consideration. The Environmental Assessment (EA) analyzes the environmental consequences of amending the Paradise-Denio and Sonoma-Gerlach MFPs.

This document discusses two alternatives that resolve a planning issue in the Winnemucca Field Office. The proposed action is to amend the Paradise-Denio and Sonoma-Gerlach MFPs to give the Winnemucca Field Office more flexibility to consider requests for disposals and acquisitions involving parcels that have not previously been specifically identified for such actions in existing land use plans. Lands considered for acquisition would possess significant resource values. Lands considered for disposal would be evaluated based on criteria including public resource values or concerns, accessibility, investment in facilities or improvements, manageability, and other factors. The decisions regarding lands identified for community expansion, in Section L1.1 of the Paradise-Denio MFP and Sections L1.1, L2.1, L2.2 of the Sonoma-Gerlach MFP, **would not** be affected by this amendment. All other decisions, in Sections L2, L3, and L4 of the Paradise-Denio MFP and Sections L2, L3, and L5 of the Sonoma-Gerlach MFP, would be replaced to incorporate these changes.

The alternative to the proposed amendment is no action.

A Notice of Intent to prepare the MFP Amendments was published in the *Federal Register* on August 26, 1996.

A Finding of No Significant Impact (FONSI) is attached. The Finding of No Significant Impact is documentation that implementation of the proposed action, examined in the environmental assessment, would not have significant adverse environmental impacts, and an environmental impact statement is not required.

The Finding of No Significant Impact and this Environmental Assessment will be considered by the State Director before the Decision Record is signed. The Decision Record will not be signed by the State Director, for at least 30 days following publication of the Proposed Amendment Finding of No Significant Impact and Notice of Availability. This will provide the public 30 days in which to formally protest this Amendment (see the protest instructions in the cover letter).

The amendment process complies with the current BLM planning manual that outline procedures that must be followed before a management plan can be changed (43 CFR 1610.5-5). The Environmental Assessment represents the *National Environmental Policy Act of 1969* compliance documentation required by Council on Environmental Quality regulations (40 CFR 1500).

I. INTRODUCTION

A. Purpose and Need

After careful review of the land use plan decisions contained in the 1982 Management Framework Plans (MFPs), it was concluded that changes were needed in the MFP guidelines for land ownership adjustments. It was determined that because of the narrow guidance and age of the existing MFP decisions, an amendment to these land use plans would give the Winnemucca Field Office more flexibility to consider proposals for disposals and acquisitions involving parcels that have not been specifically identified in the land use plans.

B. Relationship to Statutes, Regulations, and Other Plans

This proposed amendment is consistent with the goals and objectives of other Federal, State, and local plans and policies that affect the planning area.

Consultation will be conducted with the U.S. Fish and Wildlife Service on site specific acquisition and disposal actions, so that proposed actions would not adversely impact any listed or proposed threatened or endangered species.

C. Availability of Planning Documents

Copies of the Lands sections of the Paradise-Denio and Sonoma-Gerlach Management Framework Plans and other documents relevant to this proposed plan amendment are available for review in the Winnemucca Field Office (5100 East Winnemucca Boulevard, Winnemucca, Nevada 89445).

II. PROPOSED ACTION AND ALTERNATIVES

There are two alternatives considered in this document, the proposed action and no action. The alternatives were developed to resolve issues and management concerns that have arisen since the Paradise-Denio and Sonoma-Gerlach Management Framework Plans were issued in July 1982. The Proposed Action Alternative is the BLM's preferred alternative.

A. Proposed Action Alternative

The decisions regarding lands identified for community expansion, in Section L1.1 of the Paradise-Denio MFP and Sections L1.1, L2.1, L2.2 of the Sonoma-Gerlach MFP, **would not** be affected by this amendment. All other decisions in Sections L2, L3, and L4 of the Paradise-Denio MFP, and Sections L2, L3, and L5 of the Sonoma-Gerlach MFP would be replaced to incorporate these changes. These changes would apply only to lands administered by the Winnemucca Field Office.

The public lands administered by in the Winnemucca Field Office have been placed into proposed land tenure zones, based on national, statewide or local significance of the resource values found there. These zones are shown on the attached district-wide map. The zones are described as follows:

Public lands in Zone 1 are generally well blocked up, and possess significant wildlife habitat, including threatened or endangered species habitat, recreation, cultural, and/or scenic values. All lands in Zone 1 would be retained. Consideration of disposal of any Zone 1 lands would be accomplished through the planning process.

Public lands in Zone 2 are generally fragmented, but may have potentially high resource values for recreation, watershed, and riparian habitat. They could also contain threatened or endangered species habitat, cultural resources, and wildlife values. Public lands identified in Zone 2 would be evaluated on a case-by-case basis to determine if they are suitable for disposal.

Public lands in Zone 3 are generally scattered parcels, which possess characteristics that indicate that they may hold little or no significant resource value. These lands are potentially suitable for disposal, provided that significant recreational, wildlife, watershed, threatened or endangered species, and/or cultural values are not identified. Public lands identified in Zone 3 are more likely to meet the suitability requirements for disposal than lands identified in Zones 1 and 2, but would also be evaluated on a case-by-case basis.

1. Lands Identified for Retention

In general, all public lands administered by the Winnemucca Field Office (Zones 1 - 3) are to be retained unless, through environmental analysis and public scoping, it is determined that the lands meet the criteria identified for disposal, and that the disposal action is in the public's interest.

As stated above, all lands within Zone 1 would be retained in federal ownership.

Certain lands have been excluded from disposal through the planning process or Congressional action. Excluded from disposal are crucial wildlife habitat areas as identified in the Paradise-Denio and Sonoma-Gerlach MFPs. Crucial wildlife habitat has been identified as the Lahontan cutthroat trout Natural Area, Granite Range crucial mule deer habitat, Granite Range crucial bighorn sheep habitat, and lands in the Soldier Meadows Desert dace Research Natural Area. Lands that have been withdrawn from appropriation under the public land laws are excluded from disposal. Lands within designated wilderness areas would also be retained in Federal ownership.

2. Lands Identified for Acquisition

Land acquisitions would be considered on a case-by-case basis through exchange, purchase, or donation. Lands to be acquired must: a) facilitate access to public lands and resources and/or; b) provide resource protection and/or; c) facilitate implementation of the MFPs and/or; d) provide for a more manageable land ownership pattern and/or; e) maintain or enhance public uses and values and/or; f) be reviewed for water right and other encumbrances (easements, right-of-ways, access, etc.); g) be inventoried for noxious weeds.

Acquisition Criteria

Proposed land acquisition actions, that may adjust county and local tax base and grazing preference, would be coordinated with the appropriate government entity or permittee.

All water rights appurtenant to the lands identified for disposal would be verified prior to any acquisition action. Any agreements between the BLM, private land owners, and persons holding water rights, would be presented to the Nevada State Engineer's office for review. The State Engineer would be notified of any change of ownership.

Site-specific decisions regarding land ownership adjustments for the Winnemucca Field Office would be made based on the following criteria through the environmental analysis process.

The following criteria list is not considered all-inclusive but represents the major factors to be evaluated when considering acquisition actions:

a. Public resource values or concerns, including but not limited to: threatened, endangered or BLM sensitive species habitat; riparian areas; floodplains and wetlands; fisheries; nesting/breeding habitat for game and non-game birds or animals; key big game seasonal habitat; wild horse and burro habitat; developed recreation and recreation access sites; municipal watersheds; energy and mineral potential; visual resources; cultural resources; paleontology; Native American traditional cultural properties; cultural resource sites eligible for inclusion on the National Register of Historic Places; wilderness and areas being studied for wilderness; and other statutory-authorized designations.

b. Accessibility of the land for public uses.

c. Manageability (difficulty or cost of administration) .

d. Suitability and need for change in land ownership, for management and use by other State and Federal Agencies.

3. Lands Identified for Disposal

All land disposal actions are discretionary. Exchange is the preferred method of disposal in order to assure an optimum final land ownership pattern and provide better overall land management. However, sales would be considered where more efficient. The Recreation and Public Purposes Act may be used to dispose of lands to qualified applicants. Disposal of lands would be made on a case-by-case basis, and would be accomplished by the most appropriate disposal authority.

Zone 2 Lands

Upon inventory and application of the public benefits criteria, lands in Zone 2, identified as suitable for disposal would be classified for disposal and this plan amended through an Administrative Determination. A Federal Register notice, identifying the parcel(s) would be published to afford a 30 day protest period by the public in accordance with 43 CFR 1610.5-2.

Zone 3 Lands

Upon inventory and application of the public benefits criteria, lands in Zone 3 may be identified as suitable for disposal within the discretionary authority of the authorized officer without amendment to this plan.

Disposal Criteria

Proposed land disposal actions, that may adjust county and local tax base and grazing preference, would be coordinated with the appropriate government entity or permittee.

All water rights appurtenant to the lands identified for disposal would be verified prior to any disposal action. Any agreements between the BLM, private land owners, and persons holding water rights, would be presented to the Nevada State Engineer's office for review. The State Engineer would be notified of any change of ownership.

Lands may be disposed of through the Desert Land Act. In addition to the criteria cited below, the soils identified in a proposed Desert Land Act entry, must have a Land Capability Class of I, II, or III, and must possess adequate water, as determined by the State of Nevada Water Engineer.

All lands considered for disposal must meet one or more of the criteria outlined in Section 203(a) of the *Federal Land Policy and Management Act.* These are lands that are difficult or uneconomical to manage; lands acquired for a specific purpose, but no longer required for that or another Federal purpose; or lands that would serve important public objectives, including, but not limited to, expansion of communities and economic development, and that outweigh other public objectives and values. Disposal lands may serve the purpose: 1) of community expansion and economic development; 2) of local governmental needs; or 3) to facilitate Federal land management, by blocking up

land ownership patterns, thus reducing BLM administrative costs.

The Winnemucca Field Office would not dispose of lands occupied by listed or proposed threatened or endangered species, or identified as crucial wildlife habitat, unless other public uses outweigh the value of a parcel as Federally-owned threatened or endangered species habitat. Disposal would be considered on a case-by-case basis. When disposal of public land which serves as habitat for threatened or endangered species is proposed, consultation with U.S. Fish and Wildlife Service under Section 7 of the *Endangered Species Act* would be required. Exchange for other parcels of habitat would be encouraged. Other mitigation may also be required.

Any impacts to cultural resources from proposed disposal actions would be mitigated by plans developed in consultation with the State Historic Preservation Officer, affected tribes, and interested publics.

The following criteria list is not considered all-inclusive but represents the major factors to be evaluated when considering disposal actions:

a. Public resource values or concerns, including but not limited to: sensitive species habitat; riparian areas; floodplains and wetlands; fisheries; nesting/breeding habitat for game and non-game birds or animals; key big game seasonal habitat; wild horse and burro herd management areas; developed recreation and recreation access sites; municipal watersheds; energy and mineral potential; visual resources; cultural resources; paleontology; Native American traditional cultural properties; cultural resource sites eligible for inclusion on the National Register of Historic Places; wilderness and areas being studied for wilderness; and other statutory-authorized designations.

b. Accessibility of the land for public uses.

c. Amount of public investments in facilities or improvements (i.e., range improvements, wildlife projects) and the potential for recovering those investments.

d. Manageability (difficulty or cost of administration).

e. Significance of the decision in stabilizing business, social and economic conditions, and/or lifestyles.

f. Encumbrances or conflicts of record; such as water rights, consistency of the decision with cooperative agreements and plans or policies of other agencies.

g. Suitability and need for change in land ownership or use for purposes including community development (State and local), but not limited to community expansion, or other purposes such as industrial, residential or agricultural (other than grazing) development.

Approval of the proposed action would constitute a determination that amending the MFPs to incorporate the proposed changes in guidance is appropriate and consistent with sound land use planning and long-term BLM management goals for the Winnemucca Field Office.

B. No Action Alternative

Under this alternative, there would be a continuation of current planning guidance that requires that lands be specifically identified for disposal before requests for such actions can be processed. Any proposed disposal of lands outside of those identified for disposal in the current land use plans would require an amendment to that plan.

III. AFFECTED ENVIRONMENT

The affected environment for the proposed Plan Amendment, includes the entire Winnemucca District and is described in the Paradise-Denio and Sonoma-Gerlach Management Framework Plans. These descriptions are hereby incorporated by reference. These documents are available for public review at the Winnemucca Field Office.

The District comprises approximately 8.3 million acres of public land located in portions of Humboldt, Pershing, Washoe, Lyon, and Churchill Counties in Nevada.

IV. ENVIRONMENTAL IMPACTS

A. Introduction

Approval of this proposed action would be the first step of a two-step process. The second step involves actual evaluation of site-specific proposals consistent with the amended plan. The details and impacts of proposed actions would be analyzed in site-specific environmental reviews under the National Environmental Policy Act (P.L. 91-190), which are subject to full public involvement. Each environmental review would contain an analysis of impacts from the proposed action and a reasonable range of alternatives, including a no action alternative, with appropriate mitigation to avoid or alleviate identified impacts.

The following analysis is a general discussion of the possible impacts anticipated from these subsequent actions. The specific impacts would depend on the specific land parcel(s) being disposed of or acquired. The purpose is to provide the public and the decision maker with an adequate general understanding of possible impacts to allow an informed decision.

The main difference between existing management guidance for the Lands Program and what is being proposed is that under the proposed action, the Winnemucca Field Office would be able to consider disposal and acquisition proposals, on a case-by-case basis. Each proposal would be analyzed in site specific environmental reviews, which are subject to public review and comment.

B. Impacts of the Proposed Action

The following critical element has been analyzed and would not be affected by the proposed action:

- Wild and Scenic Rivers

The critical elements listed below have been analyzed and could be affected by the proposed action.

1. Areas of Critical Environmental Concern

Disposal of lands within Areas of Critical Environmental Concern (ACECs) would occur only if an environmental analysis found this action to be consistent with the goals and objectives for which these lands were designated.

Acquisition of private or state land within ACECs would improve the manageability of these areas and protect their unique values.

2. Cultural Resources and Native American Religious Concerns

Disposing of public land could remove cultural resources and Traditional Cultural Properties from the management, guidance, and protection provided by Federal laws and regulations. Cultural resources and Traditional Cultural Properties would no longer be protected by the *Archaeological Resources Protection Act of 1979* as

amended, the *American Indian Religious Freedom Act of 1978*, or the *Native American Graves Protection and Repatriation Act of 1990*. However, some cultural resources and Traditional Cultural Properties have been allocated to Use Categories that preclude them from disposal. Prior to the approval of any disposal action, compliance with the *National Historic Preservation Act of 1966* as amended, and its implementing regulations (36 CFR 800), would ensure the identification and consideration of cultural resources or Traditional Cultural Properties present.

On acquired lands, cultural resources and Traditional Cultural Properties would be managed through BLM guidance and come under the protection of the *National Historic Preservation Act of 1966* as amended, *Archaeological Resources Protection Act of 1979* as amended, and other applicable legislation.

3. Paleontology

Disposing of public land could remove paleontological resources from management, guidance and protection provided under federal law and policy. Prior to approval of any disposal action, an evaluation of potentially significant resources would be completed.

Acquired lands with paleontological resources would be managed through BLM policy and applicable legislation.

4. Wetlands/Riparian Zones - Water Resources

Disposal of land with wetland or riparian habitat could occur, if consistent with BLM riparian area management policy. This policy calls for retaining riparian areas in public ownership unless disposal would be in the public interest, as determined through the planning process. Impacts to water resources (ground and surface) would be analyzed on a case-by-case basis. Prior to the approval of any disposal action, environmental documentation would be completed.

Acquiring lands within wetland or riparian zones would provide Federal protection and management opportunities for these areas. Water quality on lands to be acquired would be assessed on a case-by-case basis.

5. Wildlife, Threatened or Endangered species and/or BLM Special Status or Sensitive species

The current MFPs exclude the disposal of crucial wildlife habitat. In addition to wetland and riparian habitat, crucial wildlife habitat includes big game range, and threatened or endangered species habitat. Current BLM policy for special status species management calls for retaining in Federal ownership all habitat essential for the survival or recovery of any threatened or endangered species, including habitat used historically by these species. However, if BLM policy changes, certain land disposal actions could impact wildlife habitat or Federally-listed threatened or endangered species protected under the *Endangered Species Act of 1973*, as amended. Prior to the approval of any disposal action, environmental compliance documentation would be completed. Consultation with the U.S. Fish and Wildlife Service would be required to determine the extent of impacts to listed or proposed threatened or endangered species

and any required mitigation measures to reduce these impacts.

Land acquisitions could beneficially affect wildlife by bringing under Federal protection high value habitat such as riparian areas, Desert dace habitat, Lahontan cutthroat trout habitat, and waterfowl habitat. Specific habitat identified for acquisition is 3,642 acres of waterfowl habitat located at Quinn River Lakes at the southern end of Kings River Valley.

6. Wilderness

Lands within designated wilderness are precluded from disposal. Lands under wilderness review are generally restricted from disposal. However, disposals may occur for lands under wilderness review, under normal BLM procedures for mining patents; color of title Class I; and desert land entries in which a vested right was established prior to October 21, 1976 [IMP Handbook H-8550-1, page 29].

Acquisition of lands within or adjacent to wilderness would improve the manageability of these areas. Acquired lands within wilderness areas would be managed for their wilderness values. Lands acquired adjacent to wilderness or wilderness study areas would improve public access and maintain ongoing public use of these areas. These lands would be inventoried and studied to determine if wilderness values are present, in accordance with Sections 201 and 202 of the Federal Land Policy and Management Act (P.L. 94-579).

7. Socioeconomic

The flexibility to consider requests for land disposals and acquisitions involving any parcel administered by the field office would shorten the time necessary for BLM to process these actions. Disposals would have beneficial impacts to counties by helping to satisfy community urban-suburban expansion needs, and by increasing their taxable land bases. Management of the lands resource, both public and private, would be enhanced by disposing of Federal land now intermingled with private lands.

Acquisitions could economically affect counties by removing lands from their taxable land bases.

8. Energy and Minerals

Disposal or exchange of public land would require a mineral report to determine the energy and mineral potential. The mineral estate for those lands determined to contain moderate to high potential for energy and minerals could be retained in public ownership or sold for fair market value. Conflicts between surface use and energy or mineral extraction may preclude disposal or exchange of the public lands.

Energy and mineral development on acquired lands would be administered under the energy and mineral leasing laws, and may or may not be open to location (depending on the authority under which they are acquired) under the General Mining Laws.

9. Wild Horses and Burros

Disposal of certain land within Herd Management Areas could adversely impact wild horses and burros by removing necessary habitat. However, disposal of lands within Wild Horse and Burro Herd Management Areas would only occur if an environmental analysis found this action to be consistent with the goals and objectives for which these lands were designated.

Acquisition of private land within Herd Management Areas could improve management opportunities for these areas.

10. Rangeland Management

The land use plan amendment would result in no changes in any grazing permits. The amendment sets up procedures and criteria to be used in evaluating future site specific land exchange proposals.

These subsequent site specific proposals could possibly have impacts on individual grazing permits. These impacts, if any, would be identified and analyzed through the proposal specific environmental assessment/land report.

11. Recreation Management

Disposal of land within the District could adversely impact recreation and Special Use Permits by privatizing public lands where specific types of recreation uses are known to occur. However, impacts to recreational uses and Special Use Permits would be analyzed on a case-by-case basis. Prior to the approval of any disposal action, impacts to recreation and Special Use Permits would be considered through site specific and cumulative impacts when the specific environmental assessment is completed.

Acquisition of private land in areas of high recreation use could improve disbursement of users and enhance management opportunities for these areas.

12. Air Quality

Any proposal for either an acquisition or disposal action would be analyzed for conformance with State, County, and local air quality standards, as required by the General Conformance Regulations (40 CFR 93 Subpart B).

13. Farmlands (Prime & Unique)

All exchange proposals would be evaluated pursuant to 7 CFR 658, The Farmland Protection Policy Act of July 5, 1984.

14. Wastes, Hazardous or Solid

All lands to be acquired into public ownership would require an Environmental Site Assessment, conducted to ASTM Standards.

All lands identified in a proposed disposal action would require a Level 1 Survey. Any lands where known chemical substances have been stored for more than 1 year, or were released, requires full disclosure.

15. Noxious Weeds

All lands identified in any proposed acquisition or disposal action would require a noxious weed inventory, to determine if noxious weeds are present, and to what extent. The noxious weed inventory would be taken into consideration when determining whether a proposed action was in the public interest. If the action was determined to be in the public interest and the inventory indicates that noxious weeds are present, measures would be taken to eradicate the noxious weeds.

C. Impacts of the No Action Alternative

Under the no action alternative only previously identified parcels could be disposed of, and all proposed actions would be bound by the criteria and guidelines set forth in the current Paradise-Denio and Sonoma-Gerlach Management Framework Plans.

D. Cumulative Impacts

According to the Council on Environmental Quality regulations (40 CFR 1508.7), "cumulative impact" is the impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (Federal or non-Federal) or person undertakes such actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

Cumulative impacts related to the implementation of this amendment were analyzed and none are anticipated.

V. CONSULTATION AND COORDINATION

A. Participating Staff

Bureau of Land Management, Winnemucca Field Office:

- Arn Berglund, Fisheries Biologist
- Lynn Clemons, Outdoor Recreation Planner
- Ken Detweiler, Realty Specialist
- Craig Drake, Hydrologist
- Victor Dunn, Geologist
- Mary Figarelle, Realty Specialist
- Bob Hopper, Noxious Weed Coordinator
- Gerald Moritz, Planning Environmental Coordinator
- Gene Seidlitz, Noxious Weed Coordinator
- Thomas Seley, Wild Horse and Burro Specialist
- Regina Smith, Archaeologist
- Charles Valentine, Realty Specialist
- Duane Wilson, Range Management Specialist
- Mike Zielinski, Soil Scientist

Bureau of Land Management, Nevada State Office:

- Neil Talbot, Planning/Environmental Analyst
- Brian Amme, Environmental Protection Specialist
- Ken Stowers, Lands Team Leader

B. Public Notification and Scoping

A Notice of Intent to amend the Paradise-Denio and Sonoma-Gerlach MFPs was published in the *Federal Register* on August 26, 1996. A draft amendment was completed and made available for comment on June 10, 1997. Two comments were received, one regarding Rangeland Management and one regarding Recreation Management. The two comments have been incorporated into the current document. The draft amendment was reissued, and made available for comment on February 19, 1998, and Public Meetings were held on March 3, 1998 in Reno, Nevada and on March 4, 1998 in Winnemucca, Nevada. Six people attended the Reno meeting, and zero people attended the Winnemucca Meeting. Eight oral comments were received at the Reno meeting. A total of seven written responses were received. The draft amendment was also the subject of a lengthy discussion by the members of the Sierra Front-Northwestern Great Basin Resource Advisory Council, at their April 2, 1998 meeting. Their input has been incorporated. The oral and written comments received have been summarized and addressed (D. Public Comments).

A Notice of Availability for the Plan Amendment/Environmental Assessment was also published in the *Federal Register* on September 4, 1997. Press releases regarding the availability of the Amendment/Environmental Assessment were distributed to local media sources. Letters were sent to interested/affected organizations, agencies, and individuals advising them of the availability of the document.

C. Environmental Justice

In accordance with Presidential Executive Order No. 12898, "Environmental Justice", Federal agencies and many State governments, as well as public and private corporations, are required to minimize the disproportionate negative impacts of environmentally related decisions on minority and low income communities. An integral part of the scoping process noted above was to identify environmental justice issues relating to the social, cultural, and economic conditions and health of minorities and low income groups on BLM lands and in BLM activities.

No specific issues have been identified that might adversely impact minority or low income groups by the proposed action. Actions that might result from future decisions would be subject to further outreach and to specific analysis to determine whether any such groups would be affected.

D. Analysis of Public Comments

Comment - No sense to the overall benefit to the public. What is the overall impact? What exactly are we trying to accomplish? The reason for the amendment isn't clear.

Comment - Review the differences between the old process and the proposed one. We're not convinced that the amendment would make the process any better.

Comment - Unless it can be demonstrated that the amendment will save the lands staff a large amount of time and money in processing the present applications for acquisition or disposal, I believe that the "no action" alternative is the only one that makes sense. Certainly, we do not want the amount of land slated for disposal in the district to be increased. Public land should remain public unless there is a very specific reason for other entities to acquire them (schools, parks, land exchanges to block up ownership, etc.).

Comment - In lieu of streamlining in this manner, it was suggested that the BLM consolidate several actions and process them under one amendment. Do the amendments periodically.

Comment - Stated that there was a lack of trust in making it easier to dispose of land, because of experiences with Las Vegas. Supported a process of streamlining when it came to acquiring land, but not for disposal.

Comment - It is our understanding that any disposal or acquisition of public lands containing these attributes will be subject to a site-specific, special report, or case-by-

case review, with the adequate time for public review and comment. If this is correct, and the proposed plan otherwise improves management efficiency (costs less), without diminishing opportunity for public input, we support such an improvement.

Response - As stated in the document the purpose of the amendment is because the BLM may be missing land tenure adjustment opportunities, with the district, because of the narrow guidance and age of the existing MFP decisions. An amendment would allow more flexibility when considering both acquisition and disposal proposals that have not been specifically identified in the existing land use plans. Because public scoping and an environmental analysis are required through the National Environmental Policy Act for each proposal (on a case-by-case basis), that is determined to be in the public interest, we do not feel that streamlining the process would in anyway diminish the opportunity for public input.

Comment - Also of concern: a policy statement regarding the retention of all lands unless otherwise provided is lacking in this document. Is everything disposable? On page 8 you have listed a few exclusions, but this list does not leave any level of comfort. The criteria are fine as they go.

Response - A policy statement regarding retention has been incorporated into the document, and can be found at "Lands Identified for Retention" (pg. 3, A. 1.)

Comment - We appreciate the opportunity to comment on the BLM's Plan Amendment "Land Amendment" as it is timely to the work we have recently initiated with Winnemucca and Humboldt County. The Division of State Lands has been approached to assist the county planning staff in developing a new Master Plan for the city and county. One of the elements in the plan will include an update of the County's SB40 Plan, which includes policy statements related to various federal lands issues.

Response - As stated in the document, all federal land tenure adjustment proposals will be coordinated with the appropriate State, county, and local government entities.

Comment - All water rights appurtenant to the lands identified for acquisition and disposal need to be verified prior to any exchange, purchase, disposal or donation. If there are any agreements between the BLM, private owners, and persons with water rights that will alter any water rights, they must be presented to the State Engineer's office for review. When lands are exchanged, the ownership of any water rights should be addressed and the State Engineer should be made aware of any change of ownership. All Nevada water laws must receive full compliance.

Response - This comment was incorporated into the document, and can be found at "Lands Identified for Retention" (pg. 3, A. 1.) and "Lands Identified for Disposal" (pg. 4, A. 3.).

Comment - The proposed plan amendment provides specific decision guidance for disposal or retention of lands containing habitat for federally Threatened or Endangered species, but not for other BLM

Special-Status or Sensitive species. We cannot evaluate impacts of the amendment (or the significance) to our programs until specific decision guidance is included for this latter categories of species.

Response - This comment was addressed in the document, and can be found at "Wildlife, Threatened or Endangered species, and/or BLM Special Status or Sensitive species" (pg. 11, B. 5.).

Comment - The proposed plan amendment requires noxious weed surveys for any lands identified for acquisition or disposal, but provides no decision guidance based on the results of such surveys. Again, we cannot evaluate impacts of the proposed amendment without the inclusion of such guidance.

Response - This comment was addressed in the document, and can be found at "Noxious Weeds" (pg. 13, B. 15.).

Comment - We have identified potential issues pertaining to NEPA review of land exchanges involving mining, and more general land management planning concerns. In the document, BLM states that site specific NEPA analysis will be conducted for individual land exchanges. In our view, the environmental impacts of any land exchange that would effectively allow a mining operation to proceed, which otherwise would require a Mining Plan of Operations, should be analyzed in detail. We have also notices that the MFPs are fairly old. EPA therefore encourages the Winnemucca District to initiate NEPA analysis of a Resource Management Plan (RMP) to replace its existing MFPs.

Response - As was stated in the document any proposal for land exchanges as they relate to mining, would be analyzed in detail on a case-by-case basis. The decision whether to complete an RMP is made by the Nevada State Director, of the BLM.

Comment - The appendix list is confusing. Show only the lands we want to retain.

Comment - No map as to where the parcels are located, their size, no overall acreage figures. Suggested the inclusion of this information.

Comment - Suggested the BLM re-evaluate the lands identified in the MFP (that were carried forward into the draft amendment), to determine if they are still valid.

Comment - I am unclear as to why the EA has taken this particular form. If you are going to list potential acquisitions and disposals -- everything from the 1982 Plan, why redo it. My suggestion would be to either drop the lists or go back and review each parcel for current suitability. My observation is that the list is outdated. By deleting the list your are not constrained to dispose, acquire, or exchange any specific pieces, however this does not relieve you from doing case-by-case (see page 4) public review, but you do annual composite land transaction reviews for the public. If you retain the lists, then you need a land status map that identifies all the listed parcels identified individually and earmarked for disposal or exchange. Similarly, parcels identified for acquisition need to be identified, but don't limit yourselves if other possibilities become available.

Response - After much discussion, of the comments received, with the Resource Advisory Council, it was decided to delete the appendices, that identified specific parcels of lands previously identified for retention, acquisition, and disposal in the current MFPs. It was determined that this would make the final document less confusing, allow more flexibility when considering proposals, and emphasized the importance of using environmental analysis and the identified criteria in our land tenure adjustment management decisions.

Comment - It was noted that one parcel of land identified for disposal in the appendix was in the Black Rock Wilderness Study Area (WSA).

Response - The parcel identified for disposal that is located within the boundary of the WSA, was a typographical error that was carried over from the current MFP, into the draft amendment.

Comment - I have a specific interest in the property located immediately east of Winnemucca, which is known to me as "Giant's Grave". This land was identified for disposal (in the appendix of the draft MFP). Several people use this land for the Mountain Biking and were working on getting it marked for designated trails. This is an excellent recreation area for the community. Unlike most areas, this land is a solid piece and is not "checker boarded" with other owners. I would like to see this land, as I affectionately know it as "Giant's Grave", identified for retention.

Response - If the BLM received a request to process a disposal action for the lands east of Winnemucca, known as "Giant's Grave", the benefit of the mountain bike trail would have to be weighed against the potential use of the land. Public lands located immediately adjacent to communities are often identified for community expansion. Depending on the proposed use, an easement reservation for the trail may be placed in the conveyance document. However, this would all be determined through the environmental analyses and public scoping process.

REFERENCES

USDI, Bureau of Land Management. 1982. Paradise-Denio Management Framework Plan, Winnemucca District Office, Nevada.

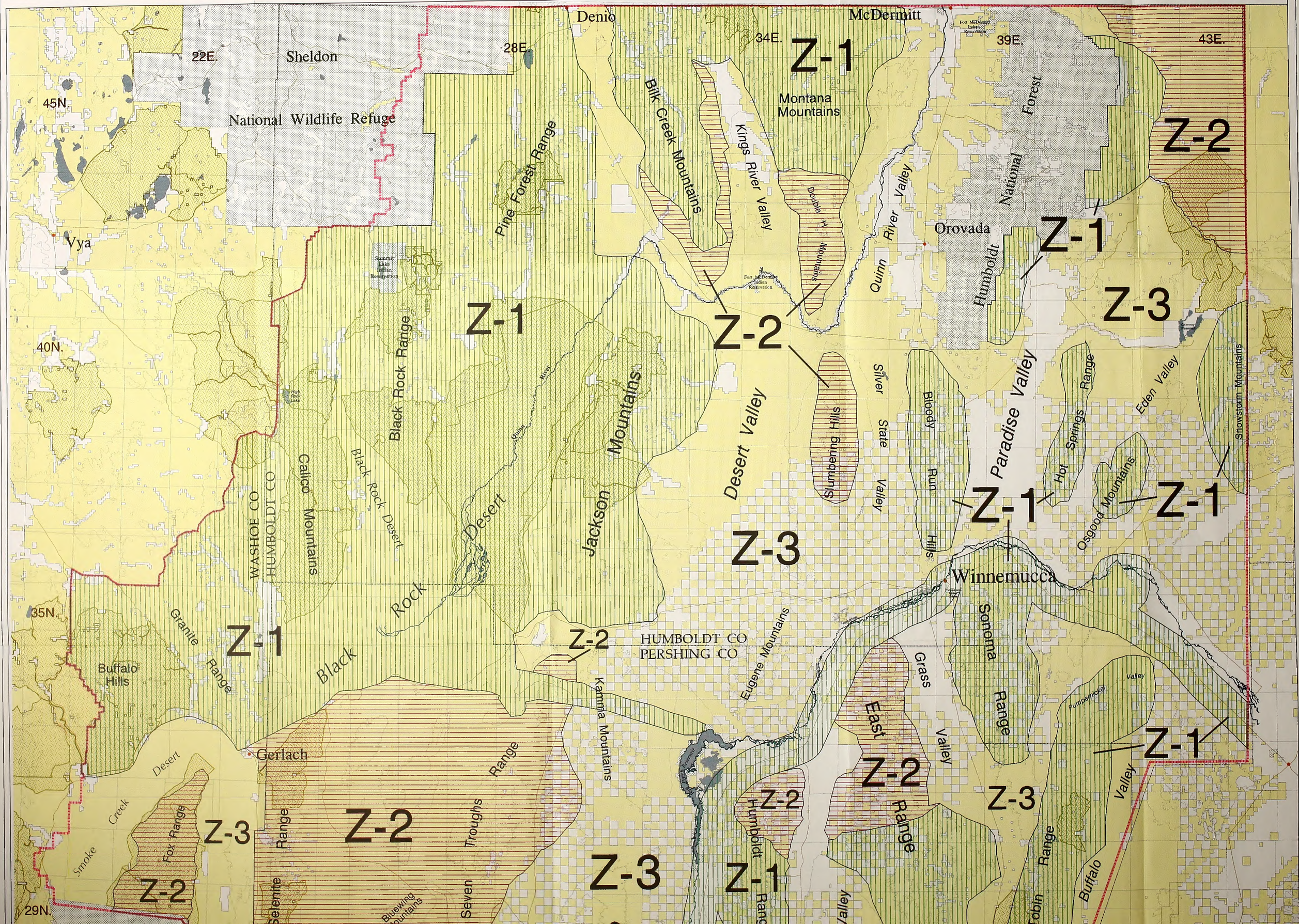
USDI, Bureau of Land Management. 1982. Sonoma-Gerlach Management Framework Plan, Winnemucca District Office, Nevada.

FINDING OF NO SIGNIFICANT IMPACT

I have reviewed the environmental assessment for the Winnemucca District Lands Amendment. I have determined that implementing the proposed action alternative would not have any significant adverse effects on the quality of the human environment and that an environmental impact statement is, therefore, not required.

Robert V. Abbey
State Director, Nevada

10.5.98
Date


Denio
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Sheldon
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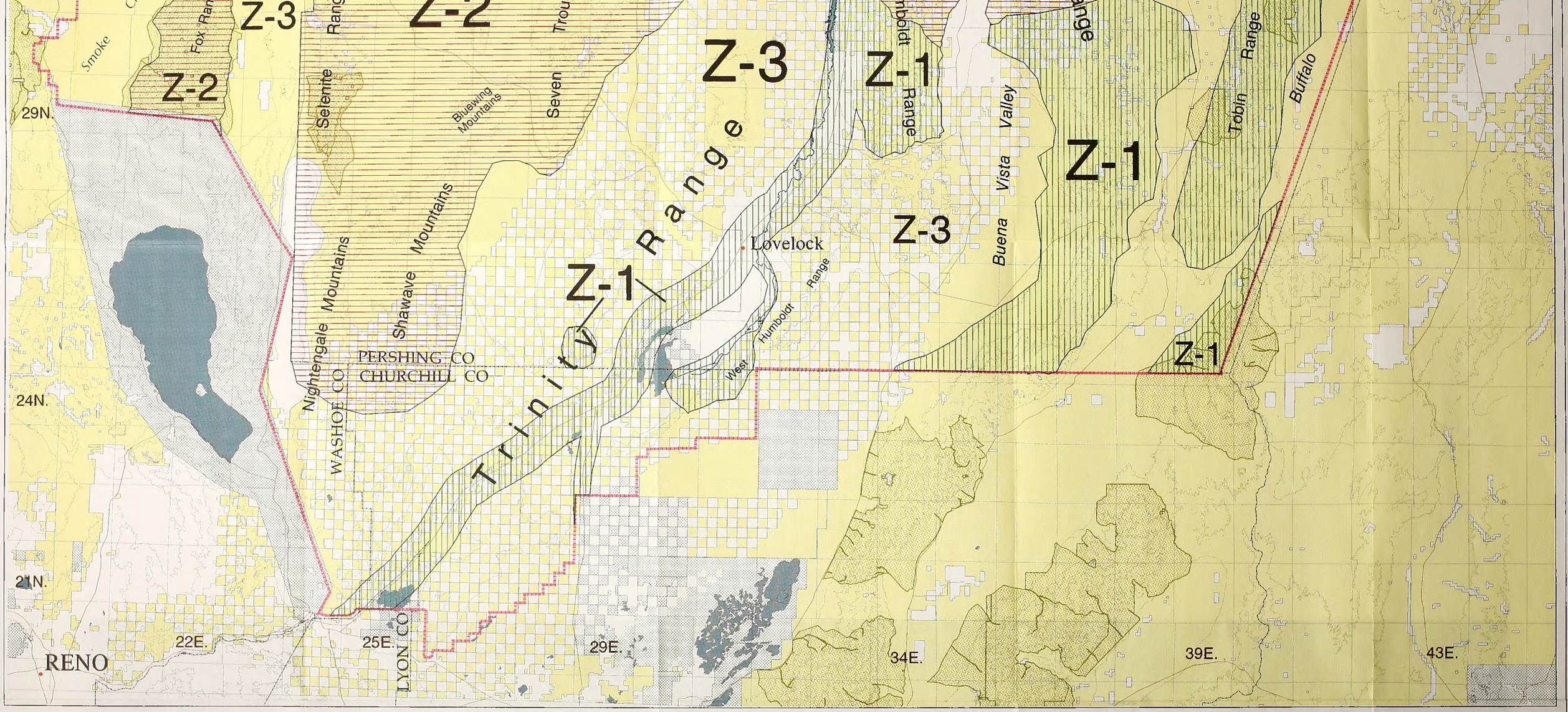
Vya
Orovada
Winnemucca
Z-1
Z-2
Z-3
Montana Mountains
Pine Forest Range
Bilk Creek Mountains
Kings River Valley
Double H Mountains
Quinn River Valley
Humboldt National Forest
Black Rock Range
Jackson Mountains
Black Rock Desert
Calico Mountains
WASHOE CO
HUMBOLDT CO
HUMBOLDT CO
PERSHING CO
Granite Range
Buffalo Hills
Gerlach
Desert Creek
Smoke Creek Desert
Fox Range
Selenite Range
Seven Troughs Range
Bluewing Mountains
Kamma Mountains
Eugene Mountains
Slumbering Hills
Silver State Valley
Bloody Run Hills
Paradise Valley
Hot Springs Range
Eden Valley
Osgood Mountains
Snowstorm Mountains
Sonoma Range
Grass Valley
East Range
Humboldt Range
Buffalo Valley
Pumpernickel Valley
Robin Range

Paradise-Denio and Sonoma-Gerlach Lands Section Management Framework Plan Amendment 1998



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Bureau of Land Management
Winnemucca Field Office
5100 E. Winnemucca Blvd.
Winnemucca, NV 89445

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- Z-1 — Areas currently identified as having high public resource values
- Z-2 — Areas with potential for high public resource values
- Z-3 — Areas with public lands which may be suitable for disposal through transfer to another agency, exchange or public sale
- Winnemucca District Boundary
- Road
- Bureau of Land Management
- Other Lands
- Private
- Wilderness Study Area